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2 Katharine Essick (State Bar #219426)
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3 San Francisco, CA 94105
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5 kessick@edptlaw.com

6 Attorneys for Defendant
THOR DAHL CONTAINERSHIP K.S.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 NOLAN TURNER,

12 Plaintiff,

13 vs.

14 THOR DAHL CONTAINERSHIP K.S., and
15 DOES 1-20,

16 Defendant.

CASE NO. 07 4377

NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. §1441(b)
(DIVERSITY)

17 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

18 PLEASE TAKE NOTICE THAT defendant Thor Dahl Containership K.S. ("Thor Dahl")
19 hereafter) removes to this Court the state court action described below:

20 **Jurisdiction**

21 1. This action is a civil action of which this Court has original jurisdiction under 28
22 U.S.C. §1332, and is one which may be removed to this Court by Thor Dahl pursuant to the
23 provisions of 28 U.S.C. §1441(b) in that it is a civil action between citizens of different nations
24 and the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.
25

26 //

27 //

ORIGINAL
FILED
07 AUG 24 AM 11:31
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing EMC

Intradistrict Assignment

2. A substantial part of the events or omissions which give rise to the claim allegedly occurred in the County of Alameda. This action is commenced in the San Francisco Division of the Northern District of California.

3. On November 14, 2006, plaintiff Nolan Turner ("Plaintiff") commenced in the Superior Court of the State of California, in and for the County of Alameda ("Superior Court"), an action entitled *Nolan Turner v. Tho Dahl Containerships KS, and Does 1-20*, Case Number RG 06 265416.

4. On or about July 27, 2007, Thor Dahl received, by hand delivery from the Ministry of Justice, Oslo, Norway, Plaintiff's Complaint, Superior Court Summons, and a Statement of Damages. True and correct copies of these documents are attached as Exhibit A.

5. The facts stated on the face of the Complaint and in the Statement of Damages indicate that the matter in controversy exceeds \$75,000.00. In the Complaint, Plaintiff alleges personal injury for which he claims damages including wage loss, hospital and medical expenses, loss of earning capacity, and general damages. In the Statement of Damages, Plaintiff states that his general damages and special damages combined are \$2,000,000.

6. Based on the allegations of the Complaint, Thor Dahl is informed and believes that Plaintiff was, and still is, a citizen of the State of California. Defendant Thor Dahl was, at the time of the filing of this action, and still is, incorporated in Norway, and has its principal place of business in Sandefjord, Norway.

DATED: August 24, 2007

EMARD DANOFF PORT TAMULSKI & PAETZOLD LLP

By



James J. Tamulski
Katharine Essick

Attorneys for Defendant
THOR DAHL CONTAINERSHIP K.S.

EXHIBIT "A"

S U M M O N S
(CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
Thor Dahl Containership K.S.

20
YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
Nolan Turner

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):

Alameda Superior Court
1225 Fallon Street
1225 Fallon Street
Oakland, CA 94612
Rene C. Davidson

CASE NUMBER
(Número del Caso):

RG06298050

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Patrick B. Streb (116555) 510-251-6060 510-251-6040
Welton Law Office
1432 Martin Luther King Jr. Way
Oakland, CA 94612

DATE:

(Fecha) NOV 14 2006

Clerk, by _____

(Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): Thor Dahl Containerships KS

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
- ☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
- ☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)

4. ☒ other (specify): CCP 415.95 Business org.form ukl
5. ☐ by personal delivery on (date):

Page 1 of 1

982.1(1)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Patrick B. Streb (116555) Welton Law Office 1432 Martin Luther King Jr. Way Oakland, CA 94612 TELEPHONE NO. 510-251-6060 FAX NO. (Optional) 510-251-6040 E-MAIL ADDRESS (Optional) streb@pacbell.net ATTORNEY FOR (Name) Plaintiff, Nolan Turner		FOR COURTUSE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: 1225 Fallon Street CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: Rene C. Davidson PLAINTIFF: Nolan Turner DEFENDANT: Thor Dahl Containership K.S. <input checked="" type="checkbox"/> DOES 1 TO 20		NOV 1 4 2006 CLERK OF COURT
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Maritime Injury <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):		
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER RG06298050

1. Plaintiff (name or names): Nolan Turner

alleges causes of action against defendant (name or names): Thor Dahl Containership K.S.

2. This pleading, including attachments and exhibits, consists of the following number of pages:

3. Each plaintiff named above is a competent adult

a. ☐ except plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
 (2) ☐ an unincorporated entity (describe):
 (3) ☐ a public entity (describe):
 (4) ☐ a minor ☐ an adult
 (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 (b) ☐ other (specify):
 (5) ☐ other (specify):

b. ☐ except plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
 (2) ☐ an unincorporated entity (describe):
 (3) ☐ a public entity (describe):
 (4) ☐ a minor ☐ an adult
 (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 (b) ☐ other (specify):
 (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

982.1(1)

SHORT TITLE: Turner vs. Thor hl Containership

CASE NUMBER

4. ☐ Plaintiff (name).

is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. ☒ except defendant (name): Thor Dahlc. ☐ except defendant (name):(1) ☒ a business organization, form unknown(1) ☐ a business organization, form unknown(2) ☐ a corporation(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):(5) ☐ other (specify):b. ☐ except defendant (name):d. ☐ except defendant (name):(1) ☐ a business organization, form unknown(1) ☐ a business organization, form unknown(2) ☐ a corporation(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):(5) ☐ other (specify):☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. ☐ Doe defendants (specify Doe numbers): _____ were the agents or employees of other named defendants and acted within the scope of that agency or employment.b. ☒ Doe defendants (specify Doe numbers): 1 - 20 _____ are persons whose capacities are unknown to plaintiff.7. ☐ Defendants who are joined pursuant to Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. ☐ at least one defendant now resides in its jurisdictional area.b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.d. ☐ other (specify):9. ☐ Plaintiff is required to comply with a claims statute, anda. ☐ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify)

982.1(1)

SHORT TITLE Turner vs. Thor Dahl Containership

CASE NUMBER

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☐ Premises Liability
- f. ☐ Other (specify):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☒ loss of earning capacity
- g. ☐ other damage (specify):

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)).

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: November 6, 2006

Patrick B. Streb

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: Turner vs. Thor Dahl Containership	CASE NUMBER:
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CAUSE OF ACTION - General Negligence

Page 4

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Nolan Turner

alleges that defendant (name): Thor Dahl Containership K.S.

☒ Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): May 14, 2004

at (place): On board Hyundai Explorer, Oakland, CA.

(description of reasons for liability):

Plaintiff was a longshore working on the Hyundai Explorer when a section of the walkway between container rows gave way causing him injury. The area of the accident was not in a safe condition.

CIV-050

- DO NOT FILE WITH THE COURT -
- UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Patrick B. Streb (116555) Weltin Law Office 1432 Martin Luther King Jr. Way Oakland, CA 94612		TELEPHONE NO : 510-251-6060	FOR COURT USE ONLY
ATTORNEY FOR (name): Plaintiff, Nolan Turner			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda			
STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: 1225 Fallon Street CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: Rene C. Davidson			
PLAINTIFF: Nolan Turner			CASE NUMBER: RG06298050
DEFENDANT: Thor Dahl Containership K.S.			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)			

To (name of one defendant only): Thor Dahl Containerships KS

Plaintiff (name of one plaintiff only): Nolan Turner

seeks damages in the above-entitled action, as follows:

1. General damages

AMOUNT

- a. ☒ Pain, suffering, and inconvenience \$ 1,000,000.
- b. ☐ Emotional distress \$ 0.00
- c. ☐ Loss of consortium \$ 0.00
- d. ☐ Loss of society and companionship (wrongful death actions only) \$ 0.00
- e. ☐ Other (specify) \$ 0.00
- f. ☐ Other (specify) \$ 0.00
- g. ☐ Continued on Attachment 1.g.

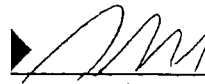
2. Special damages

- a. ☒ Medical expenses (to date) \$ 100,000.00
- b. ☒ Future medical expenses (present value) \$ 100,000.00
- c. ☒ Loss of earnings (to date) \$ 400,000.00
- d. ☒ Loss of future earning capacity (present value) \$ 500,000.00
- e. ☐ Property damage \$ 0.00
- f. ☐ Funeral expenses (wrongful death actions only) \$ 0.00
- g. ☐ Future contributions (present value) (wrongful death actions only) \$ 0.00
- h. ☐ Value of personal service, advice, or training (wrongful death actions only) \$ 0.00
- i. ☐ Other (specify) \$ 0.00
- j. ☐ Other (specify) \$ 0.00
- k. ☐ Continued on Attachment 2.k.

3. ☐ Punitive damages: Plaintiff reserves the right to seek punitive damages in the amount of (specify). \$ 0.00 when pursuing a judgment in the suit filed against you.

Date: June 20, 2007

Patrick B. Streb (116555)
 (TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(Proof of service on reverse)

STATEMENT OF DAMAGES
(Personal Injury or Wrongful Death)

Legal
Solutions
& Plus

1 EMARD DANOFF PORT TAMULSKI & PAETZOLD LLP
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

11 NOLAN TURNER,

12 Plaintiff,

13 vs.

14 THOR DAHL CONTAINERSHIP K.S., and
15 DOES 1-20,

16 Defendant.

Case No.:

**AFFIDAVIT OF KATHARINE ESSICK
IN SUPPORT OF NOTICE OF
REMOVAL**

17 I, Katharine Essick, declare as follows:

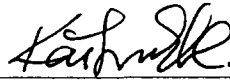
18 1. I am an attorney at law licensed to practice before all the courts of the State of California
19 and before this Court, and am an associate in the law firm of Emard Danoff Port Tamulski &
20 Paetzold LLP, attorneys for Thor Dahl Containership K.S., defendant to this action. I have
21 personal knowledge of all the facts stated herein, and I could and would testify competently
22 thereto if called upon as a witness to do so.

23 2. I have read the Complaint and Statement of Damages of Nolan Turner ("Plaintiff").
24 Plaintiff's allegations indicate that the amount in controversy exceeds \$75,000.00. In the
25 Complaint, Plaintiff alleges personal injury for which he claims damages including wage loss,
26 hospital and medical expenses, loss of earning capacity, and general damages. In the Statement
27

1 of Damages, Plaintiff states that his general damages and special damages combined are
2 \$2,000,000

3 3. Based on the allegations in the Complaint, I am informed and believe that Plaintiff was,
4 and still is, a citizen of the State of California. Defendant Thor Dahl was, at the time of the filing
5 of this action, and still is, incorporated in the Norway, and has its principal place of business in
6 Sandefjord, Norway.

7 I declare under penalty of perjury under the laws of the State of California that he
8 foregoing is true and correct and that this declaration was executed on August 24, 2007, at San
9 Francisco, California.

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11 Katharine Essick
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1 EMARD DANOFF PORT TAMULSKI & PAETZOLD LLP

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5 kessick@edptlaw.com

6 Attorneys for Defendant

THOR DAHL CONTAINERSHIP K.S.

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

11 NOLAN TURNER,

12 Plaintiff,

13 vs.

14 THOR DAHL CONTAINERSHIP K.S., and
DOES 1-20,

15 Defendant.

Case No.:

**CERTIFICATE OF SERVICE OF
NOTICE TO ADVERSE PARTY OF
REMOVAL TO FEDERAL COURT**

17 Roslyn Begun testifies as follows:


18 I am over the age of 18 years and not a party to this action.

19 My business address is 49 Stevenson Street, Suite 400, San Francisco, California 94015,
20 which is located in the city, county, and state where the mailing described below took place.

21 On August 24, 2007, I deposited in the United States Mail at San Francisco, California, a
22 copy of the Notice to Adverse Party of Removal to Federal Court dated August 24, 2007, a copy
23 of which is attached to this Certificate, addressed as follows: Patrick B. Streb, Weltin Law
24 Office, P.C., 1432 Martin Luther King Jr. Way, Oakland, CA 94612.

25 I declare under penalty of perjury that the foregoing is true and correct.

26 Executed in San Francisco, California on August 24, 2007.

27 
Roslyn Begun

28 - 1 -